

Message Text

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PAGE 01 SANTIA 04803 122204Z

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C O N F I D E N T I A L SANTIAGO 4803

EO 11652: GDS

TAGS: CI, PFOR, PGOV

SUBJECT: CRITICS OF CHILE MAY BE DENIED ENTRY UNDER NEW LAW

1. SUMMARY. NEW DECREE LAW PROVIDES THAT GOC MAY BAR ENTRY INTO CHILE OF ANY CHILEAN OR FOREIGNER WHO "DISHONORS, DEFAMES, OR DEPRECIATES" CHILE OR GOC, OR WHO IN ANY WAY FAVORS CREATION OF ATMOSPHERE WHICH INCITES EXTREMIST ACTIONS AGAINST CHILE. LAW PROVIDES LEGAL JUSTIFICATION FOR BARRING CRITICAL NEWSMEN, AS WELL AS FOR ANTI-REGIME CHILEANS WHO RETURN CLANDESTINELY FOR SUBVERSIVE PURPOSES. IT PROBABLY REPRESENTS SMALL VICTORY FOR THOSE IN GOC FAVORING CLOSED DOOR AGAINST CRITICS OF ANY VARIETY. END SUMMARY.

2. DIARIO OFICIAL OF AUGUST 10 CARRIED DECREE LAW 604 OF JUNTA SIGNED AUG 9. LAW STATES THAT ESSENTIAL CONDITION OF WORK OF RESTORATION BEING UNDERTAKEN BY JUNTA IS PRESERVATION AND ACCENTUATION OF PATRIOTIC DEVOTION TO FATHERLAND, ITS SYMBOLS, AND HISTORIC TRADITIONS. THEREFORE ANY PERSON, CHILEAN OR FOREIGN, WHO FROM ABROAD "DISHONORS, DEFAMES, OR DEPRECIATES VILELY THE COUNTRY, ITS GOVERNMENT AND ITS PEOPLE, IS SERIOUSLY

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04803 122204Z

ATTACKING THE ESSENTIAL INTERESTS OF THE STATE, AND IN THE CASE

OF CHILEANS, IS BETRAYING HIS FATHERLAND."

3. TEXT GOES ON TO SAY THAT THIS "COWARDLY ATTITUDE" CREATES AN INTERNATIONAL CLIMATE HOSTILE TO THE GOVERNMENT AND PEOPLE OF CHILE AND FAVORS ACTS OF AGRESSION BY FANATICS AND EXTREMISTS AGAINST REPRESENTATIVES OF THE COUNTRY ABROAD.

4. ARTICLE 1 OF THE LAW PROHIBITS ENTRY INTO CHILE OF NATIONALS OR FOREIGNERS WHO "PROPAGATE OR FOMENT. . . DOCTRINES WHICH TEND TO DESTROY OR ALTER BY VIOLENCE THE SOCIAL ORDER OF THE COUNTRY OR ITS SYSTEM OF GOVERNMENT." IN ADDITION THOSE WHO HAVE "REPUTATION OF BEING AGITATORS OR ACTIVISTS FOR SUCH DOCTRINES", OR ANYONE COMMITTING OFFENSES AGAINST ANY CHILEAN SECURITY LAW, OR THOSE WHO ACT "AGAINST THE INTERESTS OF CHILE," OR FINALLY THOSE WHO "IN THE JUDGMENT OF THE GOVERNMENT CONSTITUTE A DANGER TO THE STATE", MAY ALL BE BARRED. IN THE CASE OF CHILEANS, MIN OR INTERIOR WILL ISSUE SPECIFIC DECREE NAMING INDIVIDUAL WHO IS BARRED, AND PASSPORT WILL BE CANCELLED. CHILEANS AFFECTED MAY APPLY FOR REVIEW OF CASE AT ANY CHILEAN CONSULATE.

5. PERSONS AFFECTED BY THIS LAW WHO AVOID ITS EFFECTS BY ENTERING COUNTRY CLANDESTINELY MAY BE SENTENCED TO 15 TO 20 YEARS IN PRISON. ANYONE AIDING OR HIDING SUCH A PERSON MAY ALSO BE IMPRISONED. VIOLATIONS OF THIS DECREE LAW WILL BE PROCESSED BY THE MILITARY TRIBUNALS UNDER THE PROVISIONS OF THE CODE OF MILITARY JUSTICE.

6. COMMENT. DEFINITIONS OF OFFENDERS IN THIS LAW ARE SO BROADLY INCLUSIVE THAT GOC CAN APPLY IT TO ANYONE IT CONSIDERS UNFRIENDLY, NOT ONLY ANTI-REGIME CHILEANS BUT ALSO FOREIGN NEWSMEN. RIGHTIST CIVILIAN ADVISORS AND OTHERS IN GOC HAVE BEEN PRESSING FOR HARDER LINE ON CRITICS, BUT UP TO NOW WISER HEADS INCLUDING GEN. PINOCHET HAVE SEEN ADVANTAGES IN PERMITTING ACCESS TO CHILE BY REPORTERS SUCH AS KANDELL OF NY TIMES AND NOVITSKI OF WASH POST, EVEN IF IT HAS MEANT GRITTING TEETH AT TIMES. WE SUSPECT ONE CAUSE FOR ISSUANCE THIS LAW CAN BE SEEN IN ITS REFERENCE TO ATTEMPTS AGAINST CHILEAN OFFICIALS ABROAD, A CLEAR ALLUSION TO RECENT ASSASSINATION ATTEMPT AGAINST GOC AMB CANALES IN BEIRUT.

CONFIDENTIAL

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PAGE 03 SANTIA 04803 122204Z

8. PROHIBITION OF ENTRY INTO CHILE BY THOSE OUT OF FAVOR WITH GOC IS NOT NEW TACTIC. DECREE LAW 81 DATED OCT 11, 1973 PLACED SAME BAN ON NATIONALS OR FOREIGNERS, EXPELLED BY GOC FROM CHILE, OR WHO LEAVE IN "IRREGULAR" STATUS SUCH AS ASYLUM IN FOREIGN EMBASSY, OR WITHOUT REGULAR GOC IMMIGRATION PROCESSING.

9. PUBLICATION OF LAW DOES NOT NECESSARILY MEAN THAT GOC WILL NOW BEGIN BAN ITS CRITICS. FOR ALL PRACTICAL PURPOSES IT HAS

ALREADY HAD THIS AUTHORITY AND HAS USED IT SPARINGLY. PUTTING
IT OUT IN THIS FORM, WITH CRIMINAL PENALTIES PROVIDED, MAY BE
MEANT AS WARNING TO CHILEANS ABROAD WHO HOPE TO COME HOME
EVENTUALLY, AND TO FOREIGN NEWSMEN WHO NEED TO VISIT IN COURSE
OF THEIR WORK, TO THINK BEFORE SPEAKING OUT.
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